

Approved as Amended: December 15, 2004

**CITY OF MORGAN HILL
SPECIAL CITY COUNCIL WORKSHOP ON
COYOTE VALLEY SPECIFIC PLAN
MINUTES – DECEMBER 1, 2004**

CALL TO ORDER

Mayor Kennedy called the special meeting to order at 4:36 p.m.

ROLL CALL ATTENDANCE

Present: Mayor Kennedy
Arriving Late: Council Members Carr, Sellers, Tate
Absent: Council Member Chang

DECLARATION OF POSTING OF AGENDA

Deputy City Clerk Tewes certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

WORKSHOP:

1. **WELCOME AND INTRODUCTIONS**

Mayor Kennedy welcomed everyone to the meeting. He asked that members of the public come forward to speak about items not listed on the agenda. Seeing none, Mayor Kennedy proceeded with the meeting.

2. **SUMMARY AND DISCUSSION OF COYOTE VALLEY SPECIFIC PLAN PROGRESS**

Contract planner David Bischoff described the 4 handouts distributed to each member. The forms and handouts and discussion regarding each was as follows:

a) **LAND USE**

Contract Planner Bischoff explained the City of San Jose's land use plan for Coyote Valley. Mayor Kennedy is concerned about the proposed 18 story buildings and stated that the project has the same density as Chicago.

Contract Planner Bischoff then discussed the Summary of Slides from the recent Coyote Valley Specific Plan (CVSP) task force meeting regarding Workplace Alternates. The CVSP has determined that most commuting will come from the North, with only 21 percent coming from the South. These figures are being disputed by the South County group and there is a general consensus that a much larger percentage of the communities will come from the South.

Contract Planner Bischoff then described the 11"x 17" handout, "Land Use Master Plan" which was discussed at the last CVSP task force meeting, showing Fisher Creek being moved to the east. There is a parkway along the creek which connects to Santa Teresa Road which makes it a less 'out of the way' access road. Most jobs will be located in the northern portion of the Valley and it is proposed

that there will be 50,000 jobs in 470 acres, allowing for 5, 000 jobs in mixed use projects. There is not a lot of interest in having big box stores, as the task force proposes more walking and public transit. The task force is not currently planning on a hospital and has met with Ted Fox on this issue. It has been reported that Mayor Gonzales wishes to revisit this issue and asked for further investigation into health care needs.

b) TRAFFIC

The task force will use the VTA 2030 model and expects to work out the bugs and rerun the model to determine how it effects South County. Contract Planner Bischoff believes this is encouraging as the model includes all counties in the region, and that commute patterns are being considered. There has been discussion that at full build out, Santa Teresa could be 2 lanes, making Monterey Road 6 lanes. Highway 101 was discussed, however no definitive details were provided. Mr. Bischoff will meet with San Jose staff once they run the model.

Mayor Kennedy explained that the VTP 2030 traffic model regarding the number of lanes required to handle the anticipated traffic in Santa Clara County excludes Coyote Valley, and pointed out to the CVSP task force that it makes no sense not to include the impacts of Coyote Valley. He stressed that transportation is the most significant and critically important issue, and that VTA needs to get jobs and housing incorporated into the model.

c) SCHOOLS

Morgan Hill Unified School District (MHUSD) Superintendent Dr. Carolyn McKennan commented that she was invited to visit 3 urban San Jose elementary schools, one of which is a downtown school with 2.7 acres. In another school, the students play at a nearby park and attend classes in a multi-story building which is supposedly less expensive to build. Dr. McKennan explained that she does not have an issue with a multi story facility, and was asked by San Jose staff if Morgan Hill Unified had given thought to that. School Board Member Shelle Thomas stated that she went along and saw what could be done with limited acreage. Dr. McKennan explained a handout she was given regarding space utilization which seemed to downplay the educational experience. She expressed concern that some of the design in the CVSP did not make sense as to where the elementary, middle and high school were to be located. San Jose appears to desire a larger population on each campus than Morgan Hill is accustomed to. San Jose staff is looking for ways to use rooftops and structured parking and believes it is easier to maintain multi-story buildings. Dr. McKennan believes that San Jose only wants to conserve space, however, there are many concerns from the School District on the proper amount of acreage per school. She is concerned that communication between San Jose and Morgan Hill is not going very well.

Board Member Thomas indicated that she made comments at the November 8, 2004 meeting, stressing the importance that San Jose use recommendations from MHUSD, and is very concerned about what is best for the students is being decided by planners, rather than educators. She noted that San Jose shows an increased capacity of land use by situating schools near parks and that MHUSD standards vary greatly from San Jose.

Russ Danielson, CVSP task force member, stated that we are trying to send a message from the 18 member committee and that the committee has distinct educational mandates. He also stated that there have been conversations regarding high schools and about how many students should be put on one campus. His fear is about how many students San Jose wants to put in one high school.

Dr. McKennan says that no money is coming from San Jose to pay for new schools. In the “Evergreen Plan”, homeowners pay hefty school fees and the schools came along when development occurred. There has been no conversation about how the schools will be built, and wonders if they might use Mello-Roos funding? She is reluctant to think about how much it will cost and says that no one is doing that right now.

Contract Planner Bischoff explained that infrastructure will be a major issue at the upcoming December 13 meeting, indicating that infrastructure costs are very high.

Mayor Kennedy is concerned that we are running out of time to have meaningful conversations because the Task Force is being asked to approve conceptual plans on 12/13/04. He recommends that MHUSD make a strong statement prior to the 12/13 meeting, and advised the school district to go on record, verbally, as well as in writing, to make their position known.

Santa Clara County Board of Supervisors Don Gage believes that the vision and concept has been decided without first working out the details. He does not believe the traffic patterns are correct and thinks that companies will bring the technical people with the company when it moves south, and will then hire others once the company moves to Coyote Valley. He states that it is important to act soon before all the current council members are out of office and that the EIR is a fine place to state our needs. He also suggested that legal action may be necessary.

City Attorney Helene Leichter discussed the frustration with this scenario since this is a visionary plan without specifics, making it difficult to sue unless there are violations of the EIR. She inquired as to whether or not San Jose has adequate evidence to mitigate traffic and supply the proper educational facilities? Pre-emptive action is difficult until the vision is translated into action.

Mayor Pro Tempore Sellers stated that this is the political phase, and asked the committee if it has ever been discussed by San Jose that south county is considering legal options?

Supervisor Gage stated that San Jose wants to provide the vision while letting someone else figure out how to implement the plan. He is concerned that there are not specifics on which to base legal action.

Board Member Thomas inquired as to what the land owners point of view is?

Supervisor Gage believes the land owners like this vision, and if all of the infrastructure goes in, they will become realize significant profits. There was an opportunity in past years for this to occur, but the economy went south.

Mayor Kennedy stated that the developers think the plan provides for too much density. He stated that this committee needs to make a strong statement. The current plan is too dense for industrial and

residential development. This is a strong political body and the stakeholders need to make a strong statement regarding San Jose's vision.

City Attorney Leichter mentioned that she and Rick Doyle have concerns about the environmental impacts.

City Manager Tewes discussed the August letter to Mayor Gonzales that listed South County's questions requesting a response before they conduct their land use studies.

Mayor Kennedy indicated that he spoke with Mayor Gonzales who said he was apologetic about not responding to the August letter.

Council Member Carr believes that a letter should be sent stating that San Jose needs to start over since we didn't get answers to the August letter. He recommended that the letter be sent before December 13, 2004, asking other questions, and making public these issues. He said that this issue has received a great deal of press in the Morgan Hill Times and the Gilroy newspapers, however, we are not reaching the people we need to reach. He then asked Supervisor Gage if the County is ready to become involved in a legal sense.

Supervisor Gage responded that he would go ahead and become involved with the roads and school issues, so San Jose would get hit from 3 or 4 different areas. He then stated that the habitat conservation plan needs to fold into this plan and the Federal Fish and Wildlife plan needs to go first. He is certain that we won't see an EIR for 2 years.

Council Member Carr made a formal motion to move ahead with the December 13th letter stating that we have not received a response to our previous letter; the vision plan is too dense and is not going to work for south county; we collectively demand that our issues are addressed; and we should make a public statement that we're ready to take legal action rejecting this vision.

Mayor Pro Tempore Sellers expressed concern that due to previous comments, the public may have the impression that none of the agencies present opposed Coyote Valley development. He indicated that several concerns were expressed by several agencies and that he did not want it to be implied that everyone was in concurrence or that there was a recent change in heart. He felt that there has been concern all along about Coyote Valley development and that the stakeholders' worst fears are being realized such that these concerns are not being addressed. He recommended that a letter be sent to the San Jose Mercury News by December 10, 2004, addressing concerns and further recommended that Mayor Kennedy present the letter to the CVSP Task Force at its next meeting.

Board Member Thomas suggested copying Santa Teresa Neighborhood Association and all San Jose Council members. She understands that the MHUSD attorney will be at the 12/13/04 meeting.

c) GREENBELT

Contract Planner Bischoff mentioned that at the 12/13 meeting, the task force will be talking about the conceptual plan for the greenbelt that will be recommended to the San Jose City Council on January 25,

2005. He understands that San Jose does not anticipate incorporating the annexation of any greenbelt land. The CVSP Task force will meet on 1/10/05, and the City Council will hear this on 1/25/05.

3. SUMMARY AND DISCUSSION OF FUTURE STEPS IN SAN JOSE PROCESS

None

4. STATUS OF RESPONSE FROM MAYOR GONZALES

None, discussed above.

5. IDENTIFY FUTURE STEPS FOR SOUTH COUNTY AGENCIES

Move the date of the next ULL meeting as it conflicts with the proposed date of the next Coyote Valley Stakeholders meeting on Wednesday, 1/12/05.

City Council Action

Action: *On a motion by Council Member Carr and seconded by Mayor Kennedy, the City Council unanimously (4-0) **Approved** Council Member Carr's motion to move ahead with a December 13th letter stating that we have not yet received a response to our previous letter; the vision plan is too dense and is not going to work for south county; the South County Stakeholders collectively demand that the identified issues are addressed; and the City is to make a public statement that it's ready to take legal action rejecting this vision.*

FUTURE COUNCIL-INITIATED AGENDA ITEMS

No items were identified.

ADJOURNMENT

There being no further business, Mayor Kennedy adjourned the meeting at 5:45 p.m.

MINUTES RECORDED AND PREPARED BY:

LISA LEWIS, OFFICE ASSISTANT II